

1975
REPORT
OF THE
LEGISLATIVE
STUDY COMMISSION
ON
PUBLIC AND PRIVATE
SCHOOLS



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REPORT

THE COMMISSION ON THE STUDY OF PRIVATE AND PUBLIC
SCHOOLS



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North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

SENATOR THOMAS E. STRICKLAND
8TH DISTRICT
HOME ADDRESS: ROUTE 2
GOLDSBORO, N. C. 27530

COMMITTEES:
1975 SESSION
HIGHER EDUCATION, CHAIRMAN
APPROPRIATIONS
APPROPRIATIONS SUBCOMMITTEE
ON EDUCATION
COURTS AND JUDICIAL DISTRICTS
ECONOMY
JUDICIARY II
RULES AND OPERATION OF THE
SENATE
TRANSPORTATION

May 26, 1975

TO THE GOVERNOR FOR TRANSMITTAL TO THE MEMBERS OF THE GENERAL
ASSEMBLY OF 1975:

Transmitted herewith is the report of the findings,
conclusions and recommendations of the Commission on Public
and Private Schools.

The work of the Commission was performed in accordance
with the requirements of Resolution No. 183 of the General
Assembly of 1973, Second Session, 1974, which authorized the
appointment of the Commission.

Respectfully submitted,


Senator Thomas E. Strickland
Chairman

THE REPORT

The Commission on Public and Private Schools

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The Commission on Public and Private Schools

Part One - The Scope of the Commission's Work

During its Second Session in 1974, the 1973 General Assembly created through Resolution 183 (Senate Joint Resolution 1485) the Commission on Public and Private Schools and directed it to investigate three areas:

1. The relationship between public and private schools.
2. The relationship between private schools and the Office of the Superintendent of Public Instruction.
3. The certification of teachers employed by private schools.

The directives contained in Resolution 183 stipulated that the Commission shall file a report of its findings and recommendations with the Governor for transmittal to the 1975 General Assembly. A copy of Resolution 183 is attached to this report as Appendix A.

The Commission endeavored to hear from all parties having an interest in the scope of its investigations and directed its staff to inform all non-public schools of the existence and duties of this Commission. Accordingly, the staff notified the following:

The Superintendent of Schools for the Catholic Diocese of Charlotte

The Superintendent of Schools for the Catholic Diocese of Raleigh

The President of the North Carolina Association of Christian Education

The President of the North Carolina Association of Independent Schools

The President of the North Carolina Private School Association.

In addition, the Commission invited persons representing public and private colleges, the Department of Public Instruction, the North Carolina Association of Educators, and the North Carolina Association of Classroom Teachers. The following made formal presentations to the Commission and responded to questions from its members:

Dr. Haywood Bellamy, Superintendent of Schools, New Hanover County, Wilmington, North Carolina

Mr. Calvin L. Criner, Coordinator, Office of Non-Public Schools, Department of Public Instruction, Raleigh, North Carolina

Dr. Carl J. Dolce, Dean, School of Education, North Carolina State University, Raleigh, North Carolina

Mr. William H. Elkington, Jr., Administrative Assistant, Free Pilgrim Academy, 321 West Main Street, Thomasville, North Carolina

Mr. Robert D. Johnston, Headmaster, Durham Academy, Vice-President, North Carolina Association of Independent Schools, Durham, North Carolina

The Reverend Kent Kelly, Administrator, Calvary Christian School, Bennett Street at Indiana Avenue, Southern Pines, North Carolina

The Reverend Robert Lawson, Diocesan Superintendent of Schools, The Catholic School Office, Nazareth Station, Raleigh, North Carolina

Mr. Douglas R. Lewis, Headmaster, Summit School, Past President of the North Carolina Association of Independent Schools, Reynolds Estates, Winston-Salem, North Carolina

Mr. George Lewis, President, North Carolina Association of Classroom Teachers, N.C.A.E., Morgan Street, Raleigh, North Carolina

Mr. John H. Lucas, President, North Carolina Association of Educators, Morgan Street, Raleigh, North Carolina

Mr. E. B. Palmer, Associate Executive Director, North Carolina Association of Educators, Morgan Street, Raleigh, North Carolina

Dr. A. Craig Phillips, State Superintendent, Department of Public Instruction, Raleigh, North Carolina

Dr. S. Joseph Shaw, Dean, Department of Education, North Carolina Agricultural and Technical State University, Greensboro, North Carolina

The Reverend Edward Sheridan, Diocesan Superintendent of Schools, The Catholic School Office, Buchanan Street, Charlotte, North Carolina

Dr. N. H. Shope, Dean, School of Education, Appalachian State University, Boone, North Carolina

Dr. Len Stokes, Associate Vice-President for Academic Affairs, University of North Carolina at Chapel Hill, Chapel Hill, North Carolina

Dr. J. Arthur Taylor, Director, Division of Teacher Certification, Department of Public Instruction, Raleigh, North Carolina

Many persons expressed their views before the Commission. On two occasions, its work generated so much interest that its meeting had to be moved to rooms with larger seating capacities.

Members of the Commission

Senator Thomas E. Strickland, Chairman of the Commission, P. O. Box 2002, Goldsboro, North Carolina

Mrs. Irwin Belk, 2519 Richardson Avenue, Charlotte, North Carolina

Representative Jo Graham Foster, West Mecklenburg High School, 7400 Tuskaseegee Road, Charlotte, North Carolina

Mr. Robert Holding, Jr., P. O. Box 1377, Smithfield, North Carolina

Mr. Ralph Kimel, Route 2, Clemmons, North Carolina

Mr. Joseph M. Lalley, Jr., Headmaster, St. Genevieve-Gibbons Hall School, 103 Victoria Road, Asheville, North Carolina

Mrs. Jeanne Lucas, 3608 Glenn Road, Durham, North Carolina

Dr. Edward Ulrich, P. O. Box 1957, Goldsboro, North Carolina

The Commission invited Dr. J. Arthur Taylor, Director, Division of Teacher Certification, and Mr. Calvin L. Criner, Coordinator, Office of Non-Public Schools, both staff members of The Department of Public Instruction, to attend and to participate in all Commission meetings.

Part Two - The Relationship Between Public and Private Schools

I. Constitutional Provisions

Article I, Section 15 of the North Carolina Constitution declares that citizens have a right to the privilege of education and that the State must protect this right.

Art. 1, Sec. 15. Education. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Article IX - Section 1 of the Constitution enjoins the General Assembly to encourage education.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Article IX - Section 2 of the Constitution provides for the establishment of a free public school system.

Art. IX, Sec. 2(1) General and uniform system; term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

Article IX - Section 3 of the Constitution stipulates that the General Assembly must make certain that every child of appropriate age attends school.

The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

II. Statutory Provisions

Article 20 of the General Statutes enacted by the North Carolina General Assembly is the General Compulsory Attendance Law.

Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. (Article 20, G.S. 115-166)

Article 32 of the General Statutes require the State Board of Education to supervise all non-public schools (Article 32 - G.S. 115-255).

- A. The State Board of Education must always protect the right of a parent to send his child to a non-public school. Moreover, the Board may in no way interfere with any religious instruction given in a non-public school. (Article 32, G.S. 115-255)
- B. The State Board of Education shall require all non-public schools to meet the minimum standards. (See Appendix B Standards for Non-Public Schools).
 - (1) Courses taught in non-public schools shall be similar to those taught to children of corresponding ages in public schools. (Article 32 - G.S. 115-255)

- (2) All teachers in non-public schools are required to possess teaching certificates entitling them to teach corresponding courses or classes in public schools. (Article 32 G.S. 115-256)
- (3) New non-public school operators are required to file a notice of intention to operate with the State Superintendent of Public Instruction prior to the beginning of operation. (Article 32, G.S. 115-255)
- (4) Operators of non-public schools are required to furnish the Superintendent of the local educational administrative unit (County or City School Superintendent) with statistical information. (Article 32, G.S. 115-257)
 - a. Names of pupils, their addresses, their ages, and their parents or guardians.
 - b. Other reports required by the State Board of Education.
- (5) The administrative head of each private school is subject to the same fire and health regulations as principals of public schools. (Article 17, G.S. 115-150.1, 150.2, and 150.3)

III. Testimony

- A. William H. Elkinton, Jr., teacher and administrative assistant at Free Pilgrim Academy, Thomasville, N. C. argued for the repeal of the General Compulsory

Part Two - The Relationship Between Public and Private Schools (Cont.)

Attendance Law. His reasons were:

- (1) The historical reasons which led to this law's enactment no longer are relevant.
 - a. Parents are now well aware of the need to educate children.
 - b. Child labor laws have removed the danger of industrial accidents to youngsters in their formative years.
- (2) Secular curricula offered in public schools is humanistic and therefore detrimental to the development of youngsters committed to God's way.
- (3) The power of the State cannot be used to force citizens to avail themselves of the services offered by government even though the State has a duty to provide these services.
- (4) Christian schools do educate children in a healthy spiritual and physical environment. They are willing to allow their students to be evaluated for academic competence through the use of standardized tests.
- (5) The enforcement of the General Compulsory Attendance Law has brought undue pressure upon the parents of students attending Protestant non-public schools. If these schools by their choice set standards not similar to those of public schools, public authorities can declare these schools "not approved" and hold parents in contempt of attendance laws.

- (6) The Christian schools, in order to protect the right of parents to secure a religious education for their children, seek protection under the First Amendment of the United States Constitution. They want complete autonomy from all State regulation.
- B. No group, other than representatives from certain Christian Academies, advocated repeal of the General Compulsory Attendance Law.

Part Three - The Certification of Teachers Employed by
Non-Public Schools

I. Constitutional Provisions

Article IX, Section 5 of the Constitution authorizes the State Board of Education to establish requirements that permit the Department of Public Instruction to determine the professional competencies of teachers employed by public schools.

The State Board of Education shall supervise and administer the free public school system... and shall make all rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

II. Statutory Provisions

Article 32, G.S. 115-256 of the Public School Laws for North Carolina makes it mandatory that those who teach in non-public schools have the same credentials as those who teach in similar courses or classes in public schools.

All non-public schools in the State and all teachers employed or who give instruction therein, shall be subject to and governed by the provisions of law for the operations of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools shall be graded in the same way and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where children would attend in the absence of such non-public schools.

No person shall be employed in a non-public school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools.

Part Three - The Certification of Teachers Employed by
Non-Public Schools (Cont.)

Article 18, G.S. 115-153 of the Public School Laws of North Carolina details the responsibilities of the State Board of Education with respect to teacher certificates.

The State Board of Education shall have entire control of the certification of all applicants for teaching, supervisory, and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes.

The same statute requires teachers in both public and private schools to take the National Teachers Examination. A prospective teacher cannot be issued a certificate by the Department of Public Instruction until he obtains a minimum score of 950. (G.S. 115-153)

III. Judicial Provision

In 1960, the North Carolina Courts upheld the constitutional right of the State Board of Education to extend its authority to regulate the operations of non-public schools.

The State has the power and authority to establish minimum standards for, and to regulate in a reasonable manner, private schools giving instruction to children of compulsory school age. This is necessary because such schools affect the public system. In this condition it has the authority, among others, to inspect, supervise, and examine them, their teachers, and pupils; to require all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught that is manifestly inimical to the public welfare.

State v. Williams, 253 NC 337 S.E. (G.S. 115-153)7

Part Three - The Certification of Teachers Employed by
Non-Public Schools (Cont.)

IV. The Teacher Certification Program of the State Board of Education

A. Procedure

Prior to 1972, the Division of Teacher Certification, after evaluating a teacher's transcript, issued teaching certificates to those who had successfully completed specific graduate or undergraduate courses. In 1972 the State Board of Education approved a program of teacher training called the Competency-Based Program. Instead of prescribing the exact courses a prospective teacher would be required to complete, the new program allows approved teacher training institutions to determine broad areas in which a candidate to the teacher's profession must be competent. As part of the certification process, the institution must now submit a written evaluation of each candidate as well as his transcript to the Division of Certification of the Department of Public Instruction. A candidate's scores on the National Teacher's Examination must also be forwarded.

B. Types of Certificates Currently Issued

- (1) Class A Certificate. A Class A rating is issued to a teacher who has completed an approved program of professional preparation and who has received a Bachelor's Degree from an accredited institution.

Part Three - The Certification of Teachers Employed by
Non-Public Schools (Cont.)

- (2) Class G Certificate. A Class G rating is awarded to a teacher who has completed an approved graduate teacher education program and who has earned a graduate degree from an accredited institution.
- (3) Emergency A Certificate. An Emergency A rating is given to a teacher who holds a Master's Degree from an accredited institution but who has not completed an approved program of professional training.
- (4) Emergency B Certificate. An Emergency B rating is issued to a teacher who has earned a Bachelor's Degree or 90 semester hours of credit from an accredited institution but who has not completed an approved program of professional training.
- (5) Emergency C Certificate. Effective July 1, 1972, all Emergency C ratings were eliminated except for individuals employed with such a rating during the 1971-72 school year. Those who had such a rating were allowed to continue teaching. An Emergency C rating was issued to those who had not completed more than 90 semester hours of course work from an accredited institution.

C. Reciprocity Agreements With Other States

The State Board of Education has authorized the Department of Public Instruction to recognize the credentials of teachers trained in an out-of-state college or university if one of the following conditions are satisfied:

Non-Public Schools (Cont.)

- (1) The institution has a teacher training program accredited by the National Council for Accreditation of Teachers Education,

or

- (2) There is a reciprocity agreement between the state in which the teacher is trained and the State of North Carolina,

or

- (3) The institution has a teacher training program approved by the State of North Carolina,

or

- (4) The institution is accredited by its state board of education but not by the National Council for Accreditation of Teacher Education or by any other reciprocity agreement. A graduate from this institution will be issued a Provisional Class A Certificate for one year. After one year of successful teacher's experience in North Carolina, he will be issued a Standard A Certificate. (See Appendix C - North Carolina Reciprocity Plans.)

V. Proposed Changes Governing Regulations for Emergency Certificates by the Division of Certification to be Effective July 1, 1974

In the Spring of 1974, the Department of Public Instruction published a proposal that would have discontinued all certificates with emergency ratings. Individuals currently employed could retain their emergency certificates. If a school superintendent or head of a non-public school could show sufficient justification to employ a person, even though he were not qualified for a standard certificate, the Division of Teacher Certification would issue him a certificate with an emergency rating; however, every teacher who held an emergency certificate would be required to enroll in an

Non-Public Schools (Cont.)

institution having an approved teacher training program and make substantial progress each year towards meeting the requirements of a regular certificate.

VI. Related Testimony Presented to the Commission

A. Dr. A. Craig Phillips, Superintendent of Public Instruction, addressed the Commission on August 9, 1974. He stated his conviction that current statistics relating to the certification requirements for professional personnel are in the best interests of students attending non-public schools. The current law, in his opinion, enables the State to fulfill its responsibility to children enrolled in these schools.

After reviewing the Competency-Based Program of Teacher Education adopted by the State Board of Education in 1972, Dr. Phillips argued that this program combined with the North Carolina Reciprocity Plans are sufficiently flexible for any teacher with good credentials. "We present to you the premise that the person who cannot meet one of the approaches in North Carolina's comprehensive coverage leading to certification does not meet a minimum level of preparation and such a person should not be given the legal blessings of the State by the issuance of a certificate to practice the profession in the public schools or the non-public schools."

Dr. Phillips recognized that some non-public schools seek graduates of Bible Colleges whose belief coincides with

Non-Public Schools (Cont.)

their school's philosophy but he insisted that the desire to indoctrinate children in particular religious beliefs does not provide a sound instructional program.

- B. John H. Lucas, President of the North Carolina Association of Educators, addressed the Commission on September 9, 1974. He insisted that non-public schools meet the same standards as those required of public schools. The NCAE, he warned, will oppose any relaxation of certification standards. Since North Carolina and the nation currently has a surplus of teachers, any proposal to admit non-certified teachers to the teaching profession must be rejected.
- C. William Elkinton, Administrative Assistant at the Free Pilgrim Academy, spoke to the Commission on September 9, 1974. He argued that, if standardized tests demonstrated that a child is being reasonably educated, the State should be satisfied, no matter who teaches him. Parents must have the right to determine the total educational needs of their children. As a result, they, not the State, have a duty to determine who should teach their children. The State when it uses its police powers to regulate the qualifications for teachers in non-public schools infringes upon the religious liberties of parents who seek a Christian education.
- D. Douglas R. Lewis, Headmaster of the Summit School in Winston Salem and a Past Chairman of the North Carolina Association of Independent Schools, stated that the Competency-Based

Non-Public Schools (Cont.)

Program for certifying teachers has presented additional difficulties for many independent schools. Teachers who do not "fit the classical, time-honored certification requirements (which are used to judge a teacher's competency) must request an approved teacher training institution to review their course experience and to make a judgment of their qualifications (or lack) for a North Carolina certificate. The teacher training institution is not required or even asked to judge the applicant's competency on the basis of his performance as a functioning teacher. By transferring judgment about an individual's right to a teacher's certificate from the Department of Public Instruction to several teacher-training institutions, we have merely transferred the authority from one bureaucracy which could be uniform in its actions, to separate, autonomous beureaucracies which can, and in many cases will, make judgments to suit themselves, indeed, to encourage applicants to do further study in these self same teacher-training institutions." Independent schools, Mr. Lewis noted, often seek graduates of distinguished liberal arts colleges for their faculties. From 1962 to 1973, a teacher with a Bachelor's Degree could receive credit for practice teaching if under supervision. "The elimination of this alternate route to a certificate has thrown liberal arts graduates upon the mercy of teacher-training institutions who can require an otherwise qualified applicant with years of teaching experience, perhaps in another state, to enroll

Non-Public Schools (Cont.)

for a course in supervised 'student teaching'."

NCAIS member schools seek "the preservation of the right for independent schools to operate without undue or unreasonable control and supervision by the State We ask from State officials, especially, regulations which are clear but flexible, which will permit our many different kinds of independent schools to develop and offer quality programs for students who choose to experience them."

- E. Father Robert Lawson, Superintendent of Schools for the Diocese of Raleigh Catholic Schools, expressed his satisfaction with present teacher certification requirements as they affect teachers in the schools of the Diocese of Raleigh.
- F. Father Edward Sheridan, Superintendent of Schools for the Diocese of Raleigh, stated that teachers with many years of experience in other states should be certified by the State of North Carolina. He agreed that inexperienced teachers should meet certification requirements. He saw some advantages of working with the Division of Teacher Certification as well as with colleges using the Competency-Based Program. He did not wish the State to relinquish its interest in teacher certification.
- H. Len Stokes, Ph.D., Associate Vice-President of Academic Affairs, University of North Carolina at Chapel Hill, was the first of several college and university representatives

Non-Public Schools (Cont.)

to speak to the Commission on September 27, 1974. The Competency-Based Program for Teacher Preparation, he stated, makes for greater flexibility. Each institution can now develop its own distinctive program of teacher education. The new program also permits the institution "to screen out at an early stage those who are academically or methodologically incompetent."

- I. S. Joseph Shaw, Dean of the School of Education of North Carolina Agricultural and Technical State University, noted that the Competency-Based Program for Teacher Preparation concentrates on the prospective teacher rather than credits accumulated during the candidate's academic career.
- J. Carl J. Dolce, Ph.D., Dean, School of Education, North Carolina State University, stated that there are two aspects of society where the public interest has transcended private rights. The first requires the State to regulate essential social services whether or not these services are provided for by public or non-public agencies. The second requires the State to protect the public interests to assure minimum competency of professional personnel. Just as physicians are licensed under state regulations whether they are employed by the State or are engaged in private practice, so too, must teachers meet minimum state standards whether they teach in public or private schools. Education, he continued, is a matter of overriding public concern. This principle has been established in state constitutions,

Part Three - The Certification of Teachers Employed by
Non-Public Schools (Cont.)

statutory law, judicial decisions, and in practice.

Even though teacher certification procedures may be imperfect, they should not be abandoned. Nor should there be separate standards for public and non-public school teachers. Despite their imperfections, the present licensing systems for teachers, in Dr. Dolce's opinion, "do screen a greater number of incompetents than otherwise would be the case."

- K. Nathaniel H. Shope, Ph.D., Dean, School of Education, Appalachian State University, advanced many of the same points. He found it difficult to accept the fact that individuals can develop skills and competencies other than through college and university training programs. Prospective teachers need to be exposed to new teaching techniques and new insights into how children learn. Since children attending non-public schools are basically the same as those attending public schools, the State has an obligation, i.e., that they receive instruction from professionally trained teachers.
- L. Dr. J. Arthur Taylor, Division of Teacher Certification of the Department of Public Instruction, in response to a question from Senator Strickland, stated that the proposal to eliminate emergency certificates would restrict schools who wished to hire teachers holding them.
- M. Reverend Kent Kelly, Administrator, Calvary Christian Academy, Southern Pines, declared that his fundamental rights as a citizen were stifled because of teacher certification

Part Three - The Certification of Teachers Employed by

Non-Public Schools (Cont.)

requirements. The Reverend Kelly stated that he spoke in behalf of eighty North Carolina Christian schools. Each school is equally concerned because the present certification requirements and the proposal to eliminate emergency certificates would make employment of teachers they wish to employ more difficult. "General Statute 115-256 requiring teachers (in non-public schools) to be certified by public school standards, and in the arbitrary hands of the State Board of Education ... are beyond the power of the Legislature to give." The Reverend Kelly presented a copy of a Petition to the General Assembly supported by 10,000 signatures seeking relief from any connection with public education and the Office of the Superintendent of Public Instruction.

Part Four - The Relationship Between the Office of the State
Superintendent of Public Instruction and Private Schools

I. Constitutional Provisions

Article IX - Section 4.2 of the Constitution of North Carolina establishes the Office of the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

II. Statutory Provisions

Article 3 - G.S. 115.14 lists the administrative duties of the State Superintendent of Public Instruction:

- (1) To organize and establish a Department of Public Instruction including divisions and departments necessary for supervision and administration of the public schools system.
- (2) To inform the public about the problems and needs of public schools.
- (3) To report to the Governor thirty days prior to each regular session furnishing reports, statistical information, and recommendations for changes.
- (4) To print and distribute information which will improve the teaching profession and which will aid in administration.

Among the divisions of the Department of Public Instruction is the Office of the Coordinator of Non-Public Schools.

III. Administrative Provisions

A. The Coordinator of Non-Public Schools

In January, 1961, the Office of the Coordinator of Non-Public Schools was established at a time when the General Assembly enacted legislation to provide tuition grants to parents wishing to enroll their children in non-public schools to avoid the

Part Four - The Relationship Between the Office of the State Superintendent of Public Instruction and Private Schools (Cont.)

integration of public schools. Within a short period of time, this legislation was ruled unconstitutional.

The Office of Non-Public Schools, however, remained as an active administrative division of the Department of Public Instruction. The Coordinator of Non-Public Schools is an administrative appointee of the Superintendent of Public Instruction. His office has a budget of \$52,000 for the 1974-75 year and his staff consists of an assistant and a secretary.

B. The Office of Non-Public Schools has a number of responsibilities:

- (1) To devise and receive reports from non-public schools in accordance with Article 32 - G.S. 115-257.
- (2) To make certain that each non-public school complies with existing statutes and current regulations of the Department of Public Instruction as they apply to the operation of these schools.
- (3) To supervise the accreditation of non-public schools by the Department of Public Instruction.
- (4) To act as liaison for non-public schools and the Department of Public Instruction.
- (5) To make periodic visitations to non-public schools.
- (6) To act as a liaison for non-public school officials and the United States Office of Education as the representative of the Department of Public Instruction.
- (7) To give formal notice once each year to the administrative officials of non-public schools stating that the school has met State standards for approval or accreditation or to obtain compliance when standards have not been satisfied. (Appendix B)

Part Four - The Relationship Between the Office of the State
Superintendent of Public Instruction and Private Schools (Cont.)

IV. Related Testimony

A. Confusion Exists Over the Distinction Between Approved
Schools and Accredited Schools.

- (1) Mr. John H. Lucas, President of the North Carolina Association of Educators, stated, "Many of the instant private schools which sprang up in recent years as a reaction to integration of the public schools are perpetrating a fraud on the public. Many, if not most, of these schools are not accredited. They are approved (which) means that proprietors of these schools have certified that they meet certain state standards Yet, in the public mind, approved has come to mean accredited. There is a vast difference (in standards) and the public should be made aware of this difference."
- (2) Dr. J. Arthur Taylor, Division of Certification, Department of Public Instruction, pointed out that there is no such procedure for public schools; a public school is not required to follow the approval process.
- (3) Mr. Calvin L. Criner, Office of Non-Public Schools, Department of Public Instruction, agreed that the words approved and accredited are misleading. Some schools are not accredited because they did not feel the need to prove that they were good schools. The standards for approved schools are determined by the State Board of Education. Current statutes, he noted, require non-

Part Four - The Relationship Between the Office of the State
Superintendent of Public Instruction and Private Schools (Cont.)

public schools to employ only those valid certificates and to meet standards for health and safety standards. The laws, in Mr. Criner's view, are vague, sketchy, and in need of adjustment. In response to a question, Mr. Criner stated that he was not aware of the existence of a non-public school in North Carolina which is perpetrating a fraud on the public. Dr. Taylor agreed with this response.

B. The Office of Non-Public Schools

- (1) Mr. John Lucas stated that his organization will support proposals for additional staff in the Office of Non-Public Schools "to assure that private schools do meet minimum State standards on a continuing basis."
- (2) Dr. Haywood Bellamy, Superintendent of Schools, New Hanover County, Wilmington, agreed. He felt that current laws were vague. The Office of Non-Public Schools should be expanded and its legal status clarified.
- (3) The Reverend Kent Kelly declared that "the present General Statutes which make the Office of Non-Public Schools a stepchild of the State Board of Education are contrary to the Constitution of the State and an insult to the intelligence of thousands of parents who have children in the private schools of North Carolina."
- (4) Mrs. Clay Tee Knight, Staff Attorney for the Commission on Public and Private Schools, noted that the North

Part Four - The Relationship Between the Office of the State
Superintendent of Public Instruction and Private Schools (Cont.)

Carolina Constitution does not speak directly to the regulation of non-public schools. "If a separate department of education is deemed necessary to regulate non-public schools, the State owes a duty to the people who choose non-public schools to create a separate department To create a Department of Education for Non-Public Schools would not violate the State Constitution."

Part Five - Findings of the Commission

I. The General Compulsory Attendance Law

- A. The current statutes specifically enjoin with State Board of Education not to interfere with religious instruction. If religious freedom in non-public schools is threatened, the defense of this freedom should be based upon the guarantee for religious freedom provided in Article 32, G.S. 115-255 of North Carolina Public School Laws rather than upon an attack of the compulsory attendance laws.
- B. The State does have the right and the duty to compel its citizens to use many of its services. Municipalities have laws forbidding the drilling of private wells within their corporate limits and require citizens to use municipal water and sewage systems. Moreover, the compulsory attendance laws do not require students to attend state-owned schools. These laws specifically grant non-public schools the right to operate without undue or arbitrary interference from the agencies of government. Non-public school officials who feel undue interference from State regulatory agencies should seek redress under provisions of North Carolina Public School Laws.

The constitutional authority of the State to supervise and control private schools is limited to the preservation of public safety or public morals. The exercise of regulatory powers by State agencies must not be arbitrary. State vs. Williams, 253, N.C. 337, 117 S.E. 2nd 444-(1960)

Part Five - Findings of the Commission (Cont.)

- C. Although parents sending children to non-public schools may not need the force of law to keep their children in school regularly, other parents or guardians may need to feel the threat of legal sanctions so that they properly provide for the educational welfare of children. The present compulsory attendance law, supported by the North Carolina Constitution, gives State agencies the power to protect children from educational deprivation. Indeed, public schools often protect youngsters from other forms of deprivation through free milk and lunch programs, health services, and the like.
- D. In 1972, the United States Supreme Court ruled that the State of Wisconsin had infringed upon the rights of the Amish to practice their religion freely (Wisconsin vs. Yoder). Although Amish parents recognized the need of formal education through the eighth grade, the State of Wisconsin held them in violation of its compulsory attendance laws because they refused to send their children to school to age sixteen. Because Amish parents have successfully trained them in vocational programs consistent with their religious beliefs, the Court rejected Wisconsin's contention that Amish children were deprived of educational opportunities. But the Supreme Court went to great lengths to point out that it was making an unusual exception for the Amish.

Part Five - Findings of the Commission (Cont.)

Nothing we hold is intended to undermine the general applicability of the State's compulsory school-attendance statutes or to limit the power of the State to promulgate reasonable standards...(Wisconsin vs. Yoder et al., 1972)

II. The Need for a Permanent Commission to Study Public and Private Schools' Relationships

- A. It is obvious to all who served on this Commission that time did not permit us to explore all matters that came to our attention and that our work should continue.
- B. As a Commission, we found that non-public schools were generally unaware of proposed regulations that could affect their operations.
- C. The hearings conducted by our Commission clarified numerous misunderstandings about current regulations and standards and gave those responsible for the administration of these regulations and standards an understanding of the needs of public and non-public schools.
- D. The hearings served as an open forum through which all concerned with the education of young people can make their views known to State agencies and to the General Assembly. This is marked contrast to the book burnings, riots, and other forms of violence that have marked educational disagreements in other states.

III. The Certification of Teachers in North Carolina

- A. The present regulations, as well as the proposal to eliminate emergency ratings, restrict the ability of public and

Part Five - Findings of the Commission (Cont.)

non-public schools to attract teachers whom they feel are qualified to teach in their schools.

- (1) A teacher whose successful teaching experience demonstrates convincingly his ability to teach would be issued an emergency rating, or less, if he has not had professional education courses or if he did not agree to enroll in a teacher-training institution.
- (2) Some schools are reluctant to employ teachers holding less than standard certificates for fear of losing their accreditation even though those teachers may have excellent qualifications.
- (3) Many non-public schools seek individuals as teachers who possess the same philosophical and religious commitments as the schools and parents of the children they serve. Such persons may not be graduates of institutions recognized under present reciprocity plans. These individuals will not be permitted to teach without taking additional measures, some of which may be counter to their religious-educational philosophy.

B. The term emergency is misleading and demeaning.

- (1) It owes its origin to the teacher shortage that existed during World War II. The term emergency implies that a crisis exists because of a scarcity of applicants. There is no shortage of applicants for teaching positions today.

Part Five - Findings of the Commission (Cont.)

(2) An emergency certificate is most often given to teachers lacking professional education courses. Many of these courses are often held in low esteem even by those who defend the standards. In relatively few cases is it given to one lacking in academic preparation.

C. The Competency Based Program allows a teacher training institution whose programs are approved by the Department of Public Instruction to evaluate a candidate's credentials. It is to the institution's potential advantage to find his credentials deficient so that the candidate will be required to enroll in, and pay tuition for courses that institution offers. In short, the teacher training institution has a vested interest.

(1) The Competency Based Program encourages teachers to shop for the programs that require the least number of credit hours.

(2) Testimony presented to this Commission has shown that, rather than making requirements more flexible, some institutions are more rigid in their rulings than was the Teacher Rating Bureau of the Department of Public Instruction. Prior to 1972, the Department of Public Instruction issued teaching certificates after evaluating a candidate's transcript.

IV. Confusion Exists Concerning the Kinds of Recognition the State Gives Non-Public Schools

Part Five - Findings of the Commission (Cont.)

- A. Testimony presented to the Commission on Public and Private Schools confirmed that the public-at-large as well as parents are unaware of the distinction the State draws between approved and accredited schools and that they are of the opinion that approval means accreditation.
 - B. The State has an obligation to parents and to the public to make clear the different kinds of recognition it gives to schools.
 - C. There is no approved rating for the public schools in this State. The State extends recognition by virtue of the fact it funds them.
 - D. The State makes no judgment on the quality of instruction offered in the non-public schools it now calls approved. It must give approval to all non-public schools which satisfy the relatively few statutory requirements for non-public schools.
- V. The Office of Non-Public Schools
- A. During the period from 1968 to 1974 enrollments in non-public schools increased from 21,802 to 54,000.
 - B. In 1968, the number of non-public schools was 174. In 1974 the figure had reached 274.
 - C. The Office of Non-Public Schools is understaffed; its budget is too small; its office consists of two rooms in a building which was once a motel.

Part Five - Findings of the Commission (Cont.)

VI. Unequal Applications of Standards and Regulations for Public and Private Schools

- A. The State, even though it no longer issues a letter entitling a person to teach who does not qualify for any type of certificate, does provide a means to pay the more than 200 such persons employed by the public schools. The Office of Non-Public Schools, however, has sent a number of letters to persons associated with non-public schools informing them that they lack the credentials to teach in non-public schools.
- B. State Board of Education regulations require teachers to renew their credentials at periodic intervals. The Department of Public Instruction provides in-service workshops for teachers employed in public schools, enabling them to earn credits to maintain their credentials. Some non-public school teachers have been excluded from such workshops in some school districts even though there were vacancies in the class. In some cases, non-public school teachers were denied admittance even though they were willing to pay tuition and fees.
- C. The State collects an annual fee to finance driver education courses. Some non-public school students have a difficult time enrolling in these courses in public schools, or in organizing their own programs, even though it is in the State's interest that all citizens learn to drive safely.

Part Six - Recommendations

The Constitution of the State of North Carolina gives each citizen the right to the privilege for education. As a Commission, we recognize that non-public schools remain necessary alternatives to public education. Furthermore, they have a constitutional and statutory right to pursue their educational philosophies without undue regulation by the State. At the same time, we affirm the principle that the State has a constitutional mandate to guard the welfare of its citizens. We submit, therefore, the following recommendations to the Governor for transmittal to the 1975 General Assembly as directed by its Resolution 183.

I. The Relationships Between Public and Private Schools

A. Recommendations to the 1975 General Assembly

1. Article IX - Section 3 of the North Carolina Statutes requiring compulsory school attendance should not be repealed.
2. The General Compulsory Attendance Law of North Carolina, Article 20 - G.S. 115-166 should not be repealed.
3. A Commission on Public and Private Schools should be established to perform a continuing study and evaluation of the problems that confront public and non-public schools in North Carolina. (See Appendix E.)

Part Six - Recommendations (Continued)

II. The Certification of Teachers in North Carolina

- A. Recommendations to the 1975 General Assembly G.S. 115-152, 115-155 and 115-256 should be amended to conform with current employment practices in public and non-public schools. (See Appendix F.)
- B. Recommendations to the State Board of Education
 - 1. The proposed Elimination of Emergency Regulations Effective July 1, 1974, should not become effective. (See Appendix D.)
 - 2. The present regulations for the certification of teachers are in need of revision by the State Board of Education. (See pages 13-15 of this report.)
 - 3. The State Board of Education has adopted the Recommendations of the Commission on Public and Private Schools concerning the Replacement of Emergency Teaching Certificate Regulations. (See Appendix G.)¹

III. The Relationship Between the Office of the Superintendent of Public Instruction and Non-Public Schools

- A. Recommendations to the 1975 General Assembly
 - 1. The proposal to separate the Office of the Coordinator of Non-Public Schools from the Department of Public Instruction should not be adopted at this time.

¹Senator Thomas E. Strickland, Chairman of the Commission on Public and Private Schools, presented these recommendations to the State Board of Education on February 6, 1975. The Board adopted them without change to be effective at once.

Part Six - Recommendations (Continued)

B. Recommendations to the State Board of Education

1. The State Board of Education should eliminate the confusion created by the words approved and accredited and should clarify with more appropriate terms what it means by the different kinds of recognition it gives to schools within North Carolina.
2. The State Board of Education should formalize guidelines as they affect non-public schools.
3. The State Board of Education should take the measures necessary to expand the Office of Non-Public Schools by enlarging its staff, budget and quarters to reflect the growth in non-public education. This recommendation does not imply that the Commission is dissatisfied with the performance of the Office of Non-Public Schools; this recommendation is made to perpetuate the excellent services performed by this Office.
4. The State Board of Education should develop guidelines permitting teachers in non-public schools to participate in workshops sponsored by the Department of Public Instruction to help teachers meet certification requirements.
5. The State Board of Education should make provisions to expand the drivers education program so that more students in non-public schools can participate in them.

Part Six - Recommendations (Continued)

6. The State Board of Education should appoint at least one representative from non-public schools to serve on the Advisory Council for Teacher Education. The appointing authority for the Board should be so directed. It is the feeling of this Commission that better relationships can be maintained between public and non-public schools and better understanding of the teaching personnel needs of all schools can be developed if the Advisory Council on Teacher Certification would include a representative from the non-public schools on its Executive Committee.
7. The State Board of Education should include at least one representative from non-public schools. The appointing authority should be so directed.
8. The State Board of Education should take the necessary measures to request additional personnel for the Division of Teacher Certification.

CONCLUDING STATEMENT

The Commission on Public and Private Schools met on eleven separate occasions in open sessions. As directed by Resolution 183, we investigated each of the three areas of concern for the Commission. We received the testimony of those representing a wide range of views. Although each of us brings a different perspective to this Commission because of our professional commitments, we are proud that we reached unanimous decisions on each of our conclusions and recommendations.

As a Commission, we were impressed by the concern for the young people of North Carolina expressed by all who presented their views before us. We found that many of the problems that confront those associated with non-public schools are shared by those in public schools. We commend those who dedicate themselves to resolving the difficulties that challenge our schools whether they be public or private.

During the course of our investigations, we studied the policies and practices of Division of Teacher Certification and the Office of Non-Public Schools. Although the recommendations to follow call for substantive changes in the policies and practices of these two agencies of the Department of Public Instruction, we commend Dr. J. Arthur Taylor and Calvin L. Criner for the sensitive insights they employ in the exercise of their duties. Both have earned the respect of many who spoke to us in and outside of our meetings.

Their knowledge of the problems studied by this Commission was manifest and their counsel invaluable.

We conclude this report with an expression of appreciation to the two staff members of our Commission who honored all our requests. Mrs. Clay Tee Knight, our attorney, demonstrated her competency as an attorney and her concern for the work of this Commission. Her research into legal questions aided us considerably throughout our investigations. Mrs. Lorraine Newsome extended us many courtesies in the course of our work in addition to her work as secretary to the Commission on Public and Private Schools.

GENERAL ASSEMBLY OF NORTH CAROLINA
1973 SESSION (2nd SESSION, 1974)
RATIFIED BILL

RESOLUTION 183

SENATE JOINT RESOLUTION 1485

A JOINT RESOLUTION CREATING THE COMMISSION ON PUBLIC AND PRIVATE SCHOOLS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created the Commission on Public and Private Schools.

Sec. 2. (a) The Commission shall consist of four members appointed by the President of the Senate and four members appointed by the Speaker of the House of Representatives. The members of the Commission shall be appointed on May 1, 1974, or as soon as practicable thereafter, and shall serve until the termination of the Commission.

(b) If a vacancy occurs in the membership of the Commission, it shall be filled by action of the officer who appointed the former member who is to be replaced, and the person then appointed shall serve for the remainder of the term of the member whom he succeeds. If there is a vacancy in the office of the officer who is authorized to appoint to fill a vacancy in the membership of the Commission, the latter vacancy shall be filled by action of the Commission and the person then chosen shall serve for the remainder of the term of the member whom he succeeds.

(c) The Commission shall elect from its membership a Chairman and such other officers as it deems necessary.

Sec. 3. (a) The Commission shall make a thorough study of the relationship between public and private schools, of the relationship of private schools to the office of the Superintendent of Public Instruction, and of the certification of teachers teaching in private schools.

(b) On or before January 1, 1975, the Commission shall file with the Governor, for transmittal to the members of the General Assembly, a written report summarizing the information obtained in the course of its inquiry, setting forth its findings and conclusions, and recommending such administrative action and legislation as it deems the public interest to require. If legislation is recommended, the Commission shall prepare and submit with its report appropriate bills.

Sec. 4. (a) The Commission may hold meetings and hearings at such times and places as it deems convenient.

(b) The Commission may adopt rules governing its proceedings.

(c) The Commission may employ such professional, technical, and clerical assistance and may contract for such materials and services as it deems necessary.

(d) Upon request of the Commission, every State department or agency shall provide the Commission with any information in its possession that the Commission deems pertinent to its inquiry.

Sec. 5. (a) The members of the Commission shall be entitled to reimbursement for travel and subsistence expenses actually incurred in the performance of their duties at the rates specified in G.S. 138-5(b).

(b) The expenses of the Commission shall be paid from the Contingency and Emergency Fund, pursuant to the procedure prescribed in G.S. 143-12.

Sec. 6. (a) The Commission shall terminate upon the filing of its report.

(b) Upon the termination of the Commission, the Chairman shall transmit to the Legislative Library for preservation the records and papers of the Commission.

Sec. 7. This resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.

JAMES B. HUNT, JR.

James B. Hunt, Jr.

President of the Senate

JAMES E. RAMSEY

James E. Ramsey

Speaker of the House of Representatives

STANDARDS FOR APPROVED NON-PUBLIC SCHOOLS

I. DEFINITIONS

- A. Public School---A public school is a school which has been established, and is maintained and operated by a county or city board of education appointed or elected in accordance with State law.
- B. Non-Public School---A non-public school is a school not established, maintained and operated by a county or city board of education appointed or elected in accordance with State law. Such schools are generally of two types:
1. Sectarian School, a school whose operation is controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body.
 2. Nonsectarian School, a school "whose operation is not controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body."
- C. Approved School---An approved school, public or non-public, is one that meets the minimum requirements for operation as a kindergarten, elementary, or secondary school as defined by the Constitution, the General Statutes, and rules and regulations adopted by the State Board of Education.
1. An Approved Kindergarten is one that operates in accordance with standards adopted by the State Board of Education.
 2. An Approved Elementary or Secondary School is one that meets the requirements as outlined herein
- D. Accredited School---An accredited school, public or non-public, is one that exceeds the minimum requirements for operation as an approved school and meets certain standards of excellence established by the State Department of Public Instruction. (See "Standards for Accreditation of Elementary Schools," "Standards for Accreditation of Junior High Schools," and "Standards for Accreditation of High Schools," State Department of Public Instruction.)

II. SUMMARY OF MINIMUM STANDARDS

An approved non-public school shall meet the following minimum standards:

- A. The school shall be under the jurisdiction of a responsible administrative authority. Organization and administration shall be substantially the same as that in public schools. (See Section III.)
- B. The course of study shall be equal to or substantially the same as that provided for children of corresponding age and grade in the public schools. Requirements for completion of a year's work by pupils and their promotion shall correspond to those of the same grade in the public school. (See Section IV.)
- C. Teachers shall be qualified and shall hold certificates in accordance with provisions of the law governing public school teachers. (See Section IV.)
- D. Materials of instruction, including textbooks, shall be substantially equal to materials provided for public schools. (See Section VI.)
- E. Physical facilities shall be approved by the appropriate State agencies as to health and safety, and the school shall be adequately equipped. (See Section VII.)

III. ORGANIZATION AND ADMINISTRATION

- A. The number of teachers employed in a non-public school shall not be less than the number employed in a public school of the same size.
- B. The length of the school day shall not be less than that determined by the county or city board of education for the public schools in the administrative unit in which such school is located. According to North Carolina General Statutes 115-36, "Minimum time for which teachers shall be employed in the schoolroom or on grounds supervising the activities of children shall not be less than six hours."
- C. The school term shall not be less than one hundred eighty days. (G.S. 115-36)

- D. The supervisory officer or teacher shall make such reports as may be required of him by law. (G.S. 115-257.)
- E. Requirements of the compulsory school attendance law shall be observed. (G.S. 115-166.) (See "Child Accounting and School Attendance," State Department of Public Instruction.)
- F. Health laws shall apply to children attending non-public schools in the same manner as they apply to children in the public schools. (G.S. 130-87, 90, 91, 93.1.)

IV. COURSE OF STUDY

The minimum course of study for elementary and secondary schools shall consist of not less than that prescribed for public schools for the scope of the program offered.

- A. The curriculum for grades 1 through 8 shall include as a minimum the following areas of study in each grade: language arts (reading, English, spelling, writing), mathematics, social studies including Americanism, science, health and physical education, art, music, and such other subjects as required by the General Statutes.
- B. The curriculum for grades 9 through 12 shall include as a minimum these courses:

English -- 4 units; mathematics -- 1 unit; science (including biology) -- 2 units; social studies (including United States History) -- 2 units; and physical and health education-- 1 unit. Requirements for graduation from a non-public high school shall consist of not less than the minimum number of units required by the State Department of Public Instruction for graduation from a public high school.

V. TEACHERS

- A. All teachers, principals, and other professional personnel employed in non-public schools shall hold certificates entitling such individuals to perform school services corresponding to similar positions in the public

schools or meet current regulations of the State Board of Education governing emergency temporary personnel. (G.S. 115-256.)
(See "Teaching in North Carolina," State Department of Public Instruction.)

1. As in public schools, all personnel employed in non-public schools shall secure a health certificate each year. (G.S. 115-143.)

2. Teaching and health certificates shall be filed with the administrative head of the school in which the teacher is employed.

No person under eighteen years of age shall be employed as a teacher. (G.S. 115-152.)

VI. MATERIALS OF INSTRUCTION

Instructional and library supplies shall be substantially the same in quantity and quality as those provided in the public schools.

NOTE: For 1971-72 the State Board of Education allotted funds to the public schools on the basis of \$5.50 per child in average daily membership for instructional materials.

Textbooks shall be substantially the same in quantity and quality as those furnished and used in public schools.

VII. PROCEDURE FOR APPROVAL AND ACCREDITATION

APPROVAL---In order to gain State approval for a non-public school, the responsible official of such school shall:

1. Submit to the State Superintendent of Public Instruction, on official forms, a report covering the school's operations.

Upon receipt of the official report and request, the State Superintendent of Public Instruction will direct staff members to:

1. Evaluate the official report from the school.
2. Visit the school and evaluate its operations.
3. Recommend to the State Superintendent and an Approval Committee approval or non-approval of the school.
4. Notify the proper school officials of the action taken by the State Superintendent and the Approval Committee.

If the school is approved, the name of the school will be added to the list of "Approved Non-Public Schools."

Continued approval will be based upon the submission of properly executed official reports to the State Superintendent and periodic visits to the schools by State Department of Public Instruction staff members.

- B. ACCREDITATION---The procedure for accreditation of non-public schools is the same as for approval, except that evaluation for "accreditation" is based on the applicable standards for accreditation (elementary, junior high and high school.)

VIII. PHYSICAL FACILITIES AND EQUIPMENT

- A. All non-public schools shall conform to the health and safety requirements prescribed by law for public schools, including:
1. Yearly inspection by health and safety authorities; achievement of a sanitation grade of 85 for the building and grounds, and a sanitation grade of 90 for any food handling and serving facility.
 2. Yearly inspection by the proper fire inspection authorities, and a satisfactory report on fire safety from such authorities. (Health: G.S. 72-46; 115-150, 150.1, 150.2; 130-87, 90, 91, 92, 93; 130-160; 130-170. Safety: G.S. 143-138, 139 and sec. 612 (d) of the North Carolina State Building Code.)

STATE DEPARTMENT OF PUBLIC INSTRUCTION
Division of Certification
Raleigh, North Carolina 27611

NORTH CAROLINA RECIPROCITY PLANS

Programs of teacher education in out-of-state institutions are recognized to the extent that they are equivalent to North Carolina's standards and guidelines. The State recognizes four teacher education and certification reciprocity approaches as outlined below.

I. *RECIPROCITY BASED ON ACCREDITATION BY THE NATIONAL COUNCIL FOR ACCREDITATION OF TEACHER EDUCATION (NCATE)*

A graduate of an institution outside of North Carolina accredited by NCATE at the time of graduation is eligible for a North Carolina Certificate.

II. *RECIPROCITY BASED ON INTERSTATE AGREEMENTS*

A plan has been developed whereby states with similar standards for teachers have contracted to issue certificates on a reciprocity basis. North Carolina now has a reciprocal contract with 26 states as follows:

<i>Alaska</i>	<i>Kentucky</i>	<i>New York</i>	<i>Vermont</i>
<i>California</i>	<i>Maine</i>	<i>Ohio</i>	<i>Virginia</i>
<i>Connecticut</i>	<i>Maryland</i>	<i>Oklahoma</i>	<i>Washington</i>
<i>Delaware</i>	<i>Massachusetts</i>	<i>Pennsylvania</i>	<i>West Virginia</i>
<i>Florida</i>	<i>Nebraska</i>	<i>Rhode Island</i>	<i>Wisconsin</i>
<i>Hawaii</i>	<i>New Hampshire</i>	<i>South Dakota</i>	
<i>Indiana</i>	<i>New Jersey</i>	<i>Utah</i>	

III. *RECIPROCITY BASED ON APPROVAL BY NASDTEC*

The National Association of State Directors of Teacher Education and Certification (NASDTEC) has developed and adopted standards for state approval of teacher education. The following states are included in this reciprocity plan for initial certification:

<i>Colorado</i>	<i>Maryland</i>	<i>Oklahoma</i>	<i>Washington</i>
<i>Delaware</i>	<i>Minnesota</i>	<i>Pennsylvania</i>	<i>West Virginia</i>
<i>Georgia</i>	<i>Nebraska</i>	<i>South Dakota</i>	<i>Wisconsin</i>
<i>Indiana</i>	<i>New Jersey</i>	<i>Utah</i>	
<i>Kansas</i>	<i>New Mexico</i>	<i>Vermont</i>	
<i>Kentucky</i>	<i>North Carolina</i>	<i>Virginia</i>	

NOTE: It should be observed that some states appear under both the Interstate Agreement arrangement and the NASDTEC plan. This has no significance other than that they qualify under both plans.

IV. *RECIPROCITY BASED ON PROGRAMS NOT ACCREDITED BY NCATE OR APPROVED THROUGH THE INTERSTATE AGREEMENT OR THE NASDTEC PLAN*

Records of applicants prepared by out-of-state institutions that are accredited by their state board of education or a regional accrediting agency but not by NCATE or recognized through any other reciprocity procedure will be issued a Provisional Class A Certificate provided the following conditions have been met:

- A. The applicant shall be a graduate of an accredited senior college
- B. Reciprocal relations shall be concerned only with certification of classroom teachers at the four-year degree level.
- C. The reciprocity certificate shall be restricted to the areas and levels in which the applicant holds, or is qualified to hold, an out-of-state certificate.
- D. The reciprocity certificate (Provisional) shall be valid for one year. After the completion of a year of successful teaching experience in North Carolina, the provisional limitation will be removed.
- E. The reciprocity certificate shall be subject to the renewal requirements of North Carolina.
- F. The applicant must hold, or be qualified to hold, the highest grade current certificate in the state in which the teacher education program at the bachelor's degree level was completed.

STATE DEPARTMENT OF PUBLIC INSTRUCTION
DIVISION OF CERTIFICATION
RALEIGH, NORTH CAROLINA 27611

EMERGENCY REGULATIONS

Present Emergency Regulations

1. Emergency A. The Emergency A rating is issued to the holder of a Master's Degree from an accredited institution.
2. Emergency B. The Emergency B rating is issued to the holder of a Bachelor's Degree or 90 semester hours of credit from an accredited institution.
3. Emergency C. Effective July 1, 1972, all Emergency C ratings were eliminated except for individuals employed with such a rating during the 1971-72 school year. Employment with a C rating was allowed to continue for such individuals.

Proposed Emergency Regulations Effective July 1, 1974

All emergency ratings will be eliminated effective July 1, 1974 except for the following specified conditions:

Employed Teachers 1973-74. Individuals employed with an Emergency A, Emergency B, or Emergency C rating may continue employment with this rating.

Individuals Not Employed 1973-74. Individuals who were not employed during the 1973-74 school year who held the Emergency A or Emergency B rating or who may be initially applying for such a rating will be issued the Emergency A (based on the Master's Degree*) or the Emergency B (based on the Bachelor's Degree*) only when a superintendent or the head of a non-public school makes a specific request for such a rating based on the employment of the individual with justification as to the necessity of employing a person with an emergency rating.

It is recommended that any person employed with an Emergency Rating associate with an approved teacher training institution, have a program of preparation outlined leading to a regular certificate and make substantial progress each year toward meeting the requirements for the regular certificate.

*This rating may also be issued for individuals with 90 or more semester hours of credit who are enrolled in a regular or experimental institutional program leading to a regular certificate. All degrees or hours of credit must come from or be accepted by an accredited institution.

SHORT TITLE: Statutory Commission on Public and Private Schools

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A CONTINUING STATUTORY COMMISSION TO STUDY
PROBLEMS IN EDUCATION CONCERNING PUBLIC AND PRIVATE SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. A new Article 44 is added to General
Statutes Chapter 115 to read as follows:

"Article 44

"G.S. 115-358. Commission created.--There is hereby created
the Commission on Public and Private Schools, to perform a con-
tinuing study and evaluation of problems in education concerning
public and private schools.

"G.S. 115-359. Appointment of members: initial membership.--
The Commission shall consist of eight members. The President of
the Senate shall appoint four members and the Speaker of the House
of Representatives shall appoint four members. At least one
member appointed by each presiding officer shall be a person
representing the non-public schools. At least one member appointed
by each presiding officer shall be a person representing the
public schools. Vacancies created by resignation or otherwise
shall be filled by the original appointing authority. The members
shall serve two years beginning July 1 of the odd-numbered years.
The initial membership of the Commission shall be the membership
of the temporary Commission on Public and Private Schools estab-
lished by Resolution 183 of the 1973 General Assembly, Second
Session 1974. The term of the initial members shall expire
June 30, 1977.

"G.S. 115-360. Organization of the Commission.--The
Chairman of the Commission shall be elected by the membership.

The Commission shall meet at the call of the Chairman except, the initial meeting, after the new appointments are made, shall meet at the call of either presiding officer.

"G.S. 115-361. Compensation and Expense of Members of Commission.--Members of the Commission shall receive sussistance, per diem and travel allowances at the rates set forth in G.S. 138-5(b) for members of State boards, commissions and committees.

"G.S. 115-362. Commission Staffing.--The Commission is authorized to employ professional and clerical staff.

"G.S. 115-363. Powers of the Commission.--All State government officers and employees are directed to cooperate with the Commission in its study.

"G.S. 115-364. Reports and Recommendations.--On or before February 1 of the odd-numbered years and at such other times as are appropriate, the Commission shall prepare and deliver to the President of the Senate and the Speaker of the House of Representatives a report containing the results of its study and its recommendations on solutions to problems in education concerning public and private schools.

Sec. 2. Funds available to the temporary Commission on Public and Private Schools created by Resolution 183 of the 1973 General Assembly, Second Session 1974, shall be available to the statutory Commission for its operation during the remainder of 1974-75 fiscal year.

Sec. 3. The sum of seven thousand five hundred dollars (\$7,500.00) is hereby appropriated for the 1975-77 biennium operations of the Commission on Public and Private Schools.

Sec. 4. For the purpose of transferring the duties of the temporary Commission to the statutory Commission created

by this act, Resolution 183 of the 1973 General Assembly, Second Session 1974, is repealed.

Sec. 5. This act shall become effective upon ratification.

SHORT TITLE: Certification regulations.

A BILL TO BE ENTITLED

AN ACT TO CLARIFY CERTIFICATION REGULATIONS CONCERNING EMPLOYMENT
OF EDUCATIONAL PERSONNEL

The General Assembly of North Carolina enacts:

Section 1. G.S. 115-152 is rewritten to read as follows:

"All teachers, supervisors, and other professional personnel employed in the public schools of the State or in schools receiving public funds, shall be required either to hold or be qualified to hold a certificate in compliance with the provision of the law or in accordance with the regulations of the State Board of Education: Provided, that nothing herein shall prevent the employment of temporary personnel under such rules as the State Board of Education may prescribe: Provided, further, that no person shall be employed to teach who is under eighteen years of age."

Sec. 2. G.S. 115-155 is amended by deleting the first paragraph and by inserting in lieu thereof the following:

"It shall be unlawful for any board of education or school committee to employ or keep in service any teacher, supervisor, or professional personnel who neither holds nor is qualified to hold a certificate in compliance with the provision of the law or in accordance with the regulations of the State Board of Education."

Sec. 3. G.S. 115-166 is amended by deleting from the last sentence of the second paragraph the following phrase:

"the county or city superintendent of schools or".

Sec. 4. This act shall become effective upon
ratification.

CERTIFICATION REGULATIONS REPLACING EMERGENCY REGULATIONS

RECOMMENDATIONS OF THE COMMISSION ON PUBLIC AND PRIVATE SCHOOLS
TO THE STATE BOARD OF EDUCATION

All current emergency teacher regulations should be dropped. Existing emergency certificates in effect would be allowed to continue or to convert to the new procedures.

All potential individuals interested in certification would be divided into two categories. One, those having finished a teacher education program appropriate to grades K-12. The second, those individuals not having completed a teacher education program.

Procedures for Individuals Completing Teacher Education Programs

The regular certification procedures will apply to all individuals having completed teacher education programs in North Carolina or in other states. In North Carolina, the procedures of the approved program approach would be followed under which the preparing institution would recommend the individual for certification. For all individuals completing programs of preparation out of state, reciprocity would apply. Certificates would be issued to all individuals establishing credentials without regard to whether they are to be employed in this state.

Procedures for Individuals Not Having Completed A Teacher Education Program

Certification for individuals not completing a teacher education program would be limited to those individuals who are to be employed in public or non-public schools. Request for certification would be filed by the employer and not by the individual. Under this concept, the special certification regulations would apply only to individuals who were to be employed. All other individuals would be expected to associate with and complete teacher education programs as the basis for achieving certification.

Individuals Completing Work At Accredited (Southern Association or its equivalent) Institutions

A provisional class B certificate would be issued to graduates of accredited institutions who hold the bachelor's degree or who have as a minimum 90 semester hours of work leading toward the degree. Full certification for such individuals would be established under procedures established by the Department of Public Instruction and administered by the Division of Certification. Elements of the competency-based approach would be incorporated into procedures to be established. Programs of preparation would be cooperative programs established by the State, the employer or possibly a third party which could be a teacher training institution. The program would be outlined to meet the assessed needs of the individual to achieve the competencies specified by the program.

Individuals Completing Work At Institutions Not Accredited*

A temporary class B certificate would be issued for individuals holding degrees from non-accredited institutions or individuals having not less than 90 semester hours from such institutions. Bible Colleges would be an example of this type of institution. The temporary limitation attached to this certificate would be removed after a year of successful teaching experience as determined by the employer. At the end of this year of successful experience, the status would change to a provisional

class B status and the same procedures outlined above for the provisional class B certificate would then apply.

Individuals Holding Accredited Master's Degrees

A provisional class A certificate would be issued to the holder of a master's degree from an accredited institution. The basic competency procedures outlined for the provisional class B certificate would be applied toward moving the provisional class A certificate holder to full certification status at the class G level.

Individuals Holding a Master's Degree From a Non-Accredited* Institution

A temporary class A certificate would be issued to the holder of a master's degree from a non-accredited institution. A year of successful experience would be required to remove the temporary provision moving the certificate holder to a provisional basis with the elements of the competency-based approach outlined above applied toward removing the provisional status and qualifying for the regular class G certificate.

Holders of a Doctor's Degree

A provisional class G certificate would be issued to an individual holding a doctor's degree from an accredited institution. The provisional limitation would be removed based on the competency-based principles outlined above.

General Provisions

All provisional certificates and temporary certificates would be issued valid for one year only. Such certificates would become null and void at the end of the fiscal year for which they were issued unless conditions specified for their continuation had been met. In each case, the minimum requirement for its continuation would be successful teaching experience.

Under current State statute, all limitations imposed by the NTE statute would apply to provisional and temporary certificates.

Certification procedures would be altered to allow the presentation of an application without documentation to establish the fact that an individual was in the process of complying with certification regulations to enable the processing of application for approval of non-public schools to operate. All deadlines established by the State Board of Education relative to certification and the filing of credentials would apply.

*Editorial Note: "Not-accredited" or "Non-accredited" institution refers to those institutions not accredited by the Southern Association or its equivalent. For certification purposes under these proposals, such institutions would still have to present an acceptable academic basis for the acceptance of the credit such as (1) accreditation by the Accrediting Association of Bible Colleges, or (2) accreditation by the American Association of Theological Schools.



